



United States  
General Accounting Office  
Washington, D.C. 20548

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Health, Education and Human Services Division

B-276000

January 30, 1997

The Honorable E. Clay Shaw, Jr.  
Chairman, Subcommittee on  
Human Resources  
Committee on Ways and Means  
House of Representatives

Dear Mr. Chairman:

From fiscal year 1984 through 1995, the U.S. foster care population grew from an estimated 276,000 children to 494,000.<sup>1</sup> In 1995, about 261,000 of these children were supported by federal funds through title IV-E of the Social Security Act at a total cost of almost \$3.1 billion. The Congressional Budget Office estimates the federal foster care caseload will increase almost 26 percent between fiscal years 1996 and 2001, with an annual federal cost in 2001 of almost \$4.8 billion.

To prevent children from remaining in foster care indefinitely, federal law requires that a permanency hearing, which determines the future status of the child, must be held within 18 months after a child enters foster care. Options for the child's future status can include, but are not limited to, reunifying the child with his or her family, continuing foster care for a specified period, placing the child for adoption, or continuing foster care on a permanent or long-term basis because of the child's special needs or circumstances. This hearing must be held by a family or juvenile court or another court of competent jurisdiction, or by an administrative body appointed or approved by the court. Although the hearing must be held, the law does not require that a final decision on the status of the child be made. If a final decision is not made, additional hearings must be held at least every 12 months.

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<sup>1</sup>The American Public Welfare Association estimated these numbers on the basis of data voluntarily reported by the states; it designated the 1995 number as preliminary.

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As part of an ongoing review for you of state efforts to permanently place foster children more quickly, we have developed a summary of state laws regarding permanency hearings. You asked us to provide information on those states that have changed their statutes to require that permanency hearings be held earlier than required by federal law. To develop this information, we reviewed pertinent state legislation and policies of the 50 states and the District of Columbia and discussed those laws and state policies with state legal and child welfare officials. State laws vary widely in the terms they use for various hearings. In cases in which state law did not specifically identify a hearing as a permanency hearing, we asked for further clarification from state officials. If we determined that the state law was consistent with the federal requirement, we treated the hearing as a permanency hearing. We did our work between January 1996 and January 1997 in accordance with generally accepted government auditing standards.

In summary, our analysis shows that 23 states require a permanency hearing to be held earlier than the federal 18-month requirement, with a majority of these states requiring it within 12 months. In 2 of the 23 states, the shorter time frame applies only to younger children. See the enclosure for information on each of the 23 states.

We have verified this information with state officials.

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As agreed with your office, we will make this correspondence available to interested parties upon request. If you have any questions about this information, please call me on (202) 512-7215. Other major contributors included Gale Harris, David Bellis, Shellee Soliday, Julian Klazkin, and Rathi Bose.

Sincerely yours,



Jane L. Ross  
Director, Income Security Issues

Enclosure

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**STATES THAT REQUIRE A PERMANENCY HEARING EARLIER  
THAN THE FEDERAL REQUIREMENT OF 18 MONTHS  
(AS OF DECEMBER 31, 1996)**

State	Required time frame for holding the permanency hearing <sup>a</sup>	Year law was enacted	State law citation
Arizona	12 months	1995	Ariz. Rev. Stat. Ann., Section 8-515.C. (West Supp. 1996)
Colorado	6 and 18 months <sup>b</sup>	1994	Colo. Rev. Stat., Section 19-3-702(1) (Supp. 1996)
Connecticut	12 months	1995	Conn. Gen. Stat. Ann. Section 46b-129(d),(e) (West 1995)
Georgia	12 months	1996	Ga. Code Ann. Section 15-11-419(j),(k) (1996)
Illinois	16 months	1993	705 Ill. Comp. Stat. Ann. 405/2-22(5), (West Supp. 1996)
Indiana	12 months	1996	Ind. Code Ann. Section 31-6-4-19(c) (Michie Supp. 1996)
Iowa	12 months	1987	Iowa Code Ann. Section 232.104 (West 1994)
Kansas	12 months	1994 <sup>c</sup>	Kan. Stat. Ann. Section 38-1565(b),(c) (1995)
Louisiana	12 months	1991	La. Ch. Code Ann. arts. 702,710 (West 1995)
Michigan	15-1/2 months <sup>d</sup>	1988	Mich. Stat. Ann. Section 27.3178(598.19a) (Law. Co-op. Supp. 1996)
Minnesota	12 months	1993	Minn. Stat. Ann. Section 260.191 Subd. 3b (West Supp. 1997)
Mississippi	12 months	1985 <sup>e</sup>	Miss. Code Ann. Section 43-21-613 (3) (1993)
New York	12 months	1989	N.Y. Jud. Law Section 1055(b) (McKinney Supp. 1997)
Ohio	12 months	1989	Ohio Rev. Code Ann. Sections 2151.353(F), 2151.415(A) (Anderson 1994)
Pennsylvania	6 months	1986	42 Pa. Cons. Stat. Ann. Section 6351(e-g) (West Supp. 1996)
Rhode Island	12 months	1985	R.I. Gen. Laws, Section 40-11-12.1 (1990)

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South Carolina	12 months	1983	S.C. Code Ann. Section 20-7-766 (Law. Co-op. Supp. 1996)
Utah	16 months	1995	Utah Code Ann. Section 78-3a-312(1996)
Virginia	12 months <sup>f</sup>	1994	Va. Code Ann., Section 16.1-282 (Michie 1996)
Washington	12 and 18 months <sup>g</sup>	1994	Wash. Rev. Code Ann. Section 13.34.145(3),(4) (West Supp. 1997)
West Virginia	12 months	1984 <sup>h</sup>	W.Va. Code, Sections 49-6-5, 49-6-8 (1996)
Wisconsin	12 months	1981 <sup>i</sup>	Wis. Stat. Ann. Sections: 48.355 (4); 48.365 (5), 48.38 (West 1987)
Wyoming	12 months	1995	Wyo. Stat. Ann. Section 14-6-229 (k) (Michie Supp. 1996)

<sup>a</sup>Generally, a permanency hearing must be held within the indicated number of months after the child enters foster care.

<sup>b</sup>Colorado law requires that for children under age 6, the permanency hearing must be held within 6 months of the dispositional hearing. The time frame to hold the permanency hearing was calculated by adding the days needed to conduct the adjudicatory, dispositional, and permanency planning hearings. This expedited procedures program will be implemented on a county-by-county basis and will be fully implemented in the state by June 30, 2004. For children aged 6 and older, the permanency hearing is held within 18 months of placement.

<sup>c</sup>The year the law was enacted was provided by the Kansas Foster Care Manager, Children and Family Services.

<sup>d</sup>Michigan's time frame to hold the permanency hearing was calculated by adding the days needed to conduct the preliminary hearing, trial, dispositional hearing, and permanency hearing.

<sup>e</sup>The year the law was enacted was provided by Mississippi's Program Administrator, Foster Care Review Unit, Division of Family and Children Services.

<sup>f</sup>Virginia's time frame to hold the permanency hearing was calculated by adding the number of months required to file the petition to hold the permanency hearing plus the number of days within which the court is required to schedule the hearing.

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<sup>8</sup>Washington's law requires the permanency hearing to be held no later than 12 months after a child is placed in foster care for children 10 years old and under. For children over 10, the permanency hearing must be held no later than 18 months after a child is placed in foster care.

<sup>10</sup>The year the law was enacted was provided by West Virginia's Assistant Attorney General assigned to Health and Human Services.

<sup>11</sup>The year the law was enacted was provided by Wisconsin's Foster Care Specialist, Bureau for Children, Youth and Families.

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